

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, SEPTEMBER 6, 2000.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Allen Morris
Patrick Natarelli

Also Present: Lino J. Sciaretta, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Nicola Coddington, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes
Members of the Public.

**IPB Matters
Considered:**

94-03 – Westwood Development Associates, Inc.
Broadway, Riverview Road & Mountain Road
98-44 – Ciccio & Chernick
Riverview Road
99-31 – Danfor Realty – Fatato Subdivision
Harriman Road
99-43 – Shapiro/Silverberg (Amendment)
Fargo Lane
00-19 – Northwest Neu Corp.
Riverview Road
00-21 – Mercy College
555 Broadway
00-23 – Larry Rudolph
56 Manor Pond Lane
00-24 – Miji Inaba
Fieldpoint Drive
00-28 – Bridge Street Properties
1 Bridge Street
00-29 – Thomas Wexler
297 Riverview Road
00-30 – Eileen Fisher
44 Matthiessen Park
00-31 – Richard & Gail Weiler (Informal Discussion)
12 Main Street

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter #00-21:

Application of Mercy College for renewal of Special Permit.

The Chairman opened the public hearing on the Application. Nathan Dickmeyer, Vice President for Finance and Administration/Treasurer of Mercy College, appeared for the Applicant. The Application relates to the proposed amendment and renewal of the Special Permit granted to Mercy College on June 6, 1996. Samuel Abate, Jr., Mayor of the Village of Ardsley, and Brian Murphy, Ardsley Village Counsel, also appeared. The principal amendment to the Special Permit is the proposed utilization of 120 parking spaces at Mercy College for commuters using the Ardsley-on-Hudson train station.

The Chairman noted that the Planning Board received several letters from residents (Chuck Brule, Michael Carlton, Brian Kenny, Stephen Kelly, and Patrick Gilmartin) regarding the proposed amendment to allow the use of the parking spaces and these letters are attached hereto for the record. The Chairman read portions of the letter from Patrick Gilmartin that asserts, *inter alia*, that the Planning Board has no authority (absent an amendment to the Irvington Village Code by the Village Board of Trustees) to include in the Special Permit provision for a lease of parking spaces. Mr. Gilmartin's letter is made a part of these Minutes. A copy of the letter was given to Mercy College and the Chairman requested a written response.

Mr. Dickmeyer advised the Board that Mercy College has negotiated with the Village of Ardsley for the parking at Mercy College in an effort to accommodate the residents of the Village of Ardsley who are losing parking spaces at the Dobbs Ferry railroad station. Mr. Dickmeyer noted that, while the College is "in the business of educating students," the College is seeking to use certain of its resources (a parking lot) to satisfy a need of a local Village and to generate revenue. The College submitted a Traffic Study immediately prior to the commencement of this meeting, while it is made part of the record, the members of the Board have not had an opportunity to review its contents, and as such it was not discussed.

The Chairman then requested comments from the public. The following persons spoke: Carey Mougis, Liz and Randy Paul, Daniel Madden, Linda and Arthur Leary, Pat and Gerry Gilmartin, Peter Avalone, David Wetherill, Neal and Anita Pilzer, Jared Wyn, and Robert Meyers. Each of the foregoing spoke about the extraordinary traffic problem on Washington Avenue and Langdon Avenue caused by students and other persons seeking access to Mercy College and expressed concern that allowing 120 additional

cars, most of which would presumably use the Washington/Langdon access route, to park at Mercy College could make the problem intolerable. They also expressed concern about the precedent that would be set by approval of the amended Special Permit to the extent that commercial uses of properties covered by Special Permits would become an accepted part of such properties, and noted that the proposal was not in keeping with the Village's Land Use Plan.

The Chairman then adjourned the public hearing to the next meeting of the Planning Board on October 4, 2000.

IPB Matter #00-23:

**Application of Larry & Ronna Rudolph for
Waiver of Site Development Plan Approval for
Property at 56 Manor Pond Lane.**

This Application was carried over from the July 2000 Planning Board meeting. Matthew Behrens appeared for the Applicant and submitted revised plans entitled: Addition/Alteration Rudolph Residence, 56 Manor Pond Lane, Village of Irvington, New York, by Matthew Behrens, Architect, (with topography plan), dated August 9, 2000 and a Property Survey (to scale). The Board noted that the lot coverage calculations reveal less than 15% coverage.

After discussion and on motion duly made, seconded and unanimously approved, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have a detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #00-30:

**Application of Eileen Fisher for Site
Development Plan Approval for Property
at 44 Matthiessen Park.**

Earl Ferguson appeared for the Applicant. The Application relates to the proposed demolition of an existing residence and construction of a new single family residence in two phases of construction. The new residence will be 9902 square feet and increase the existing footprint by 117%. This property was the subject of an application before the Board in 1998 (IPB Matter #98-39); it waived site development plan approval on a different proposal at its meeting on October 7, 1998. Plans entitled: Survey of Property, Prepared for Eileen Fisher, Located in the Village of Irvington, New York, submitted by Charles Riley, Land Surveyor (2 pages), dated August 19, 2000, Tree Removals Plan and Landscape Plan prepared by Imbiano-Quigley Landscape Architects dated August 22, 2000, Site Plan Grading & Drainage Plan, and Construction Notes & Details, prepared by Keane Coppelmann Engineers, P.C, dated August 11, 2000 and Fisher Residence, prepared by Earl Everett Ferguson, Architect, dated August 22, 2000 (8 pages) were submitted.

Mr. Ferguson described the planned construction and, in response to questions and concerns from the Board, explained his calculation of the height of the residence and his interpretation of the applicable ordinances.

After discussion, the Board requested the following:

- Scaled drawings (signed and sealed)
- Indication of pool equipment and enclosures and drainage (per Mr. Mastromonaco)
- Re-examination of coverage calculation, including pool, patio, and other covered areas, excluding the driveway.
- Verification of location of easements.
- Calculations of earth removal
- Tree report

The Board scheduled a site walk for September 16, 2000, and the application was adjourned to the Board's meeting in October.

IPB Matter #99-43:

**Amendment of Application of John Shapiro
& Shonni Silverberg for Waiver of Site
Development Plan Approval for Property
at Fargo Lane.**

John Marwell, Esq., Tom Buck and Salvatore LaRosa appeared for the Applicant. The Applicant previously received Site Development Plan Approval in August 4, 1999 (IPB #99-43) for construction of a single family residence. The amended application reflects a reduction in the size of the proposed construction (Adelson, IPB #95-09), reducing the footprint by 45%. Drawings entitled: Site Plan for Shapiro Silverberg Residence, Fargo Lane, Irvington, New York, submitted by B Five Studio, LLP, dated August 9, 2000, 16 sheets, were submitted.

Mr. Mastromonaco noted footing drains should be removed from the drywell system (memo dated September 6, 2000). The Chairman read a letter dated July 18, 2000 from Susan E. Carpenter, Esq., Director of Land Preservation, of the Westchester Land Trust indicating their approval of the plan, as per their easement. There were no comments from the public. In keeping with recently enacted Village legislation, the Board asked the applicant to submit a tree report to the Tree Committee.

After discussion on motion duly made, seconded and unanimously carried, the Board adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to satisfaction of Mr. Mastromonaco's comments and submission of a Tree Report.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of Property at Riverview Road.

Norman Sheer, Esq., attorney for the Applicant, appeared to continue the Public Hearing. The Chairman noted that the Board has received a report from Tim Miller Associates (the de-mapping study) which indicates a de-mapping can be accomplished east of the applicant's property. The Chairman described the history of this Application and the remaining issues regarding the need for a septic system in light of the prohibitive cost of hooking to the sewer line. There was general discussion of the proposed width of the roadway (16 ft.). The Board requested confirmation of Fire Dept. and Dept. of Public Works concurrence with the proposed Application and the Board agreed to consider a resolution to be drafted by the applicant at the next Board meeting.

IPB Matter #00-29:

Application of Thomas Wexler for Waiver of Site Development Plan Approval for Property at 297 Riverview Road.

Thomas Wexler and Andrew Geiger, Esq. appeared for the Applicant. The Application relates to a proposed regrading of property at 297 Riverview Road and construction of a 10 ft. stone retaining wall. The proposal involves fill of approximately 24 ft. to level the property. Plan entitled: Proposed Site Plan, Retaining Wall for Mr. Thomas Wexler, Irvington, New York, dated August 21, 2000, prepared by Thomas E. Haynes, Architect, was submitted.

Mr. Mastromonaco noted (memo dated September 6, 2000) that (i) the design of the retaining walls needs to be set forth on signed and sealed plans, (ii) the plans should reflect erosion control measures and (iii) there needs to be a description of the fill and proposed stabilization methods. He also noted the requirement for fully engineered plans, and that the proposed wall design is not safe, in that the system appears underdesigned and unstable.

The Chairman noted that the Board would consider this matter when a report is submitted confirming the viability of the project. The Board also requested a survey of the property, an Arborist Report, and noted that a variance may be required depending on the location of the retaining wall. This matter was carried over to the next Board meeting.

IPB Matter #00-19:

Application of Northwest Neu Corp. for Site Development Plan Approval for property at Riverview Road.

John Neubauer appeared for the Applicant. This Application relates to the proposed construction of a single family residence on Riverview Road. Drawings

entitled: Site Plan for New Residence at Riverview Road, Irvington, New York, prepared by Anthony S. Pisarri, P.E., Consulting Engineer, dated May 15, 2000, and Drywell Calculations for Northwest Neu Corp. Riverview Road, Irvington, New York, prepared by Anthony Pisarri, Consulting Engineer dated May 15, 2000 last revised August 17, 2000 were submitted. At the June 7, 2000 Planning Board meeting, the Board had determined a site capacity of zero. The Applicant presented evidence that at the July 25, 2000 meeting of the Zoning Board of Appeals, the Zoning Board granted a variance for a site capacity of one (1). A copy of such variance letter dated July 26, 2000 is attached to these Minutes.

Mr. Mastromonaco noted (memo dated September 6, 2000) that certain setback issues need the review of the building inspector and that the Applicant should clarify the proposed grading. The Board also requested a description of the finalized sewer system arrangements and a tree report. This matter was carried over to the next Board meeting.

IPB Matter #99-31:

Application of Danfor Realty for Determination of Site Capacity for proposed Subdivision of property at Harriman Road.

The Applicant did not appear, and this matter was carried over to the next Board meeting.

IPB Matter #00-24:

Application of Miji Inaba for Amendment of Approved Subdivision at Fieldpoint Drive.

The Application, which had been carried over from the August Board meeting, relates to an amendment to permit a change in the approved grading. The Board held a site walk on the property on August 26, 2000 and September 4, 2000. Mr. Marron submitted a memorandum dated August 30, 2000 regarding the proposed Application, a copy of which memorandum is made part of these Minutes. Mr. Mastromonaco noted that the site plans are not clear and requested that the Applicant meet with him to review the issues.

The Chairman noted that there was continuing confusion caused by the Applicant's failure to follow the plans approved by the Planning Board in May, 1999. The Board directed the Applicant to meet with Mr. Mastromonaco and the Building Inspector with regard to retaining walls, slopes and other engineering issues, and this matter was carried over to the next Board meeting.

IPB Matter #00-31:**Application of Richard & Gail Weiler
regarding 12 Main Street (informal discussion).**

Deborah Reiser and the Applicants appeared to discuss the proposed dentist office at 12 Main Street. Plans submitted were: Site Plan, for Dr. Richard Weiler, D.D.S., Irvington, New York submitted by RUR Architecture, P.C. dated August 29, 2000, 8 sheets. There was general discussion regarding the need for parking at the site and the proposed removal of trees to accommodate street parking to meet code. The Board noted that the Applicant must apply to the Zoning Board of Appeals for an appropriate variance.

The Board took no action.

IPB Matter #94-03:**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Charles Pateman and Padraic Steinschneider appeared for the Applicant. The proceeding was a continuation of the public hearing on the Westwood Development project.

The Applicant presented a response (15 pages addressed to Mr. Mastromonaco, undated) in his January 12, 2000 letter and submitted revised drawings of the project. A copy of the response is made a part of these Minutes, together with a letter from the Department of Public Works confirming sanitation services to be provided to the Westwood property. Drawings with various issuance and revision dates were submitted:

S1	Tract A Site Plan, Grading and Utility Plan	2/13/98	4/17/00
S2	Tracts B/C Site Plan, Grading and Utility Plan	2/13/98	4/17/00
S3	Tract A Site Plan, Site Access and Parking Plan	2/13/98	7/12/98
S4	Tract A Site Plan, Road and Driveway Profiles	2/13/98	4/17/00
S5	Tracts B/C Site Plan, Road and Driveway Profiles	2/13/98	4/17/00
S6	Pre-Development Analysis – Stormwater Drainage	5/01/96	1/20/98
S7	Post-Development Analysis – Stormwater Drainage	5/01/96	1/20/98
S8	Tract A Site Plan, Zoning and Building Envelopes	2/13/98	4/17/00
S9	Tracts B/C Site Plan, Zoning and Building Envelopes	2/13/98	4/17/00
S10A	Tract A Site Plan, Sanitary Sewer Profiles	2/13/98	8/4/00
S10B	Tracts B/C Site Plan, Sanitary Sewer Profiles	2/13/98	4/17/00
S10C	Tracts A/B/C Site Plan, Forced Sanitary Sewer Profile	4/17/00	
S11A	Watermain Details		4/17/00
S11B	Sanitary and Storm Sewer Details	4/17/00	
S11C	Stormwater Drainage and Landscaping Details	4/17/00	
S11D	Roadway and Sidewalk Details	4/17/00	
S12	Tract A Site Plan, Erosion and Sediment Control Plan	2/13/98	4/17/00

S13	Tracts B/C Site Plan, Erosion and Sediment Control Plan	2/13/98	4/17/00
S14	Erosion and Sediment Control Details	4/17/00	

There was general discussion of the details to be examined on the new plans, such as sidewalks, sewer lines, tree disturbance, building envelopes, limits of disturbance, front setbacks and lot dimensions. The Board scheduled a Work Session for September 20, 2000 at 8:00 p.m., and the public hearing was adjourned.

IPB Matter #00-28:

**Bridge Street Properties, LLC,
Continuation of Informal Discussion.**

Andrew Lyons, William Thompson, Walter Sedovic and John Kirkpatrick, counsel, appeared for the Applicant to continue discussions on the proposed construction of an office building at One Bridge Street (an area zoned for industrial use).

The Applicant presented a Usage and Parking Analysis, a copy of which is made a part of these Minutes. The Applicant also agreed to obtain a Traffic Study, focusing on Bridge Street, Astor Street, Main Street and the corner of Main Street and Broadway.

There was general discussion regarding additional information that may be useful in considering this Application, including an analysis of the commercial benefits to the Village from the tenants at the subject property.

The Board took no action at this time.

The Board then considered the following administrative matters:

- The Minutes of the Planning Board meeting on August 3, 2000 were approved.
- A Special Meeting of the Planning Board on Westwood was scheduled for September 20, 2000.
- The next regular meeting of the Planning Board was scheduled for October 4, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary

